

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,**

v.

Civil Action No. 2:93cv902

**THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43' 32" NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,**

Defendant.

**UNITED STATES' STATUS REPORT IN RESPONSE TO
JANUARY 29, 2021, PERIODIC REPORT (ECF NO. 654)**

The United States, as *amicus*, and on behalf of its National Oceanic and Atmospheric Administration ("NOAA"), provides the following Status Report in response to RMST's January 29, 2021, Periodic Report (ECF No. 654).

1. *Reserve Account.*

In its Periodic Reports, RMST has acknowledged the significant financial strain the pandemic has caused its business operations. *See e.g.* ECF No. 653 at 2 (noting the significant "toll on the Company's revenue and cash flow" caused by the pandemic); ECF No. 654 at 2 (noting that it has gone "nearly a year without its primary source of revenue" due to the pandemic). Although RMST assures the Court that it remains "financially secure," ECF No. 654 at 2, the United States respectfully requests that RMST provide further information and assurances to the Court (and NOAA) that payments to the Reserve Account have continued

uninterrupted and remain current, and that its financial ability to maintain and care for the artifact collections, wherever they are located, is unimpaired.

2. *Status of Motion to Amend (ECF No. 600).*

On May 18, 2020, this Court granted RMST's motion to amend (ECF No. 600) an earlier order of the Court (ECF No. 164) to permit RMST to cut into *Titanic* during an expedition scheduled in 2020. ECF No. 612. RMST was required to submit a funding plan for the expedition by a specific date. *Id.*; *see also* ECF No. 624 (extending the time for RMST to file its funding plan). On July 30, 2020, the Court amended its May 18, 2020, order to allow RMST's expedition to occur in 2021, rather than 2020. ECF No. 645. The time for RMST to submit its funding plan was also extended to January 10, 2021. *Id.* at 8.

RMST did not submit a funding plan as directed, but instead advised the Court on January 11, 2021, that no later than January 29, 2021, it would either request via "formal motion" a further extension to file its funding plan, or withdraw altogether its original motion to amend the July 2000 order. ECF No. 653 at 2. On January 29, 2021, RMST advised the Court that it was indefinitely suspending its expedition plans. ECF No. 654 at 1-2. Despite no concrete plans for an expedition, RMST stated it would not abandon its motion to amend the July 2000 order "unless otherwise directed by this Court." *Id.* Instead, RMST stated it would continue to work on a funding plan and an "updated dive plan," and provide the Court (and the United States) 90 days' notice "if and when [an expedition] ultimately takes place." *Id.*

The United States respectfully requests that the Court direct RMST to withdraw its motion to amend the July 2000 order (ECF No. 600), as RMST expressly represented it would do if it did not seek a further extension (which it did not). *See* ECF No. 653 at 2. Although the parties have been disputing the operative effect of the Court's orders of May 18, 2020, and the

July 30, 2020, at this juncture those orders no longer have any operative effect because their conditions have not been met. Moreover, any future expedition undertaken by RMST will occur under substantially different conditions (and with an “updated dive plan”) than those present in the original motion. Such expeditions may also arise under a different procedural posture, should the Court address some of the previously unresolved questions and issues. *See* ECF No. 645 at 4-5.

Because of these changed circumstances, RMST should be required to withdraw its motion to amend the July 2000, order (ECF No. 600) without prejudice to file a new motion “if and when [an expedition] ultimately takes place.”

Respectfully submitted,

Raj Parekh
Acting United States Attorney

By: /s/ Kent P. Porter
Kent P. Porter, VSB No. 22853
Assistant United States Attorney
Attorney for the United States
United States Attorney’s Office
8000 World Trade Center
101 West Main Street
Norfolk, VA 23510
757-441-6331
Fax: 757-441-6689
kent.porter@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 8th February, 2021, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

David G. Barger, VSB #21652 GREENBERG TRAURIG, LLP 1750 Tysons Boulevard, Suite 1200 McLean, Virginia 22102 Tel: (703) 749-1300 Fax: (703) 749-1301 E-Mail: BargerD@gtlaw.com	Brian Andrew Wainger William R. Poynter Ryan D.P. Dougherty Kaleo Legal 4456 Corporation Lane Suite 135 Virginia Beach, VA 23462 Email: bwainger@kaleolegal.com
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/s/ Kent P. Porter
Kent P. Porter, VSB No. 22853
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
8000 World Trade Center
101 West Main Street
Norfolk, VA 23510
757-441-6331
Fax: 757-441-6689
kent.porter@usdoj.gov